

1 FRANCIS B. MAJORIE (Pro Hac Vice)
2 **THE MAJORIE FIRM, LTD.**
3 3514 Cedar Springs Road
4 Dallas, Texas 75219
5 Phone: 214-522-7400
6 Fax: 214-522-7911

7 MELANIE A. HILL
8 Nevada Bar. No. 8796
9 **LAW OFFICE OF MELANIE HILL**
10 9345 W. Sunset Road
11 Las Vegas, Nevada 89148
12 Phone: 702-362-8500
13 Fax: 702-362-8505

14 **Counsel for Silar Advisors, LP**
15 **and Silar Special Opportunities Fund, LP**

16 **UNITED STATES DISTRICT COURT**
17 **DISTRICT OF NEVADA**

18 IN RE:

19 USA COMMERCIAL MORTGAGE
20 COMPANY,

21 Debtor.

22 3685 SAN FERNANDO LENDERS, LLC, *et al.*

23 Plaintiffs,

24 v.

25 COMPASS USA SPE LLC, *et al.*

26 Defendants.

Case No. 2:07-cv-892-RCJ-GWF-BASE

STIPULATION AND ORDER
REGARDING ORDER APPROVING
SETTLEMENT [Doc. 2188] AND
CLERK'S JUDGMENT [Doc. 2189]

27 IT IS HEREBY STIPULATED by and between Certain Direct Lenders
28 ("Movants"), by and through their undersigned counsel, Robert Millimet, Bickel
& Brewer, Jan Chubb, Armstrong Teasdale, and Lisa Rasmussen, Law Office of
Lisa Rasmussen, and Silar Advisors LP and Silar Special Opportunities Funds LP

1 (collectively, “Silar” or “Respondents”), by and through their undersigned
2 counsel, Francis B. Majorie, The Majorie Firm, LP, and Melanie A. Hill, Law
3 Office of Melanie Hill as follows:

4 In order to obviate the need for an expedited hearing, the parties
5 stipulate as follows with respect to the Order Approving Settlement, Etc. [Doc.
6 2188] (the “Order”) and the related judgment entered by the clerk [Doc. 2189]
7 (the “Clerk judgment”) :

9 1. Notwithstanding anything to the contrary in the Order Regarding
10 Settlement [Doc. 2188] or the Clerk’s Judgment [Doc. 2189], the duty of
11 disclosure imposed on the Respondents under paragraph 7 of the Order will not
12 be triggered until Movants provide Respondents a list of documents to be
13 produced pursuant to paragraph 7 of the Order. Respondents will then have ten
14 (10) business days from the receipt of any such list of documents to comply with
15 the obligations otherwise stated in that paragraph 7, including the procedure for
16 the Court to review disputed documents. Pursuant to this agreement, Movants
17 will not enforce the requirement in the Order for Silar to produce documents
18 within five (5) days of the entry of the Order so long as Silar complies with this
19 agreement.
20

21
22 2. Respondents reserve the right to move for reconsideration and/or
23 other relief with respect to the Order Regarding Settlement [Doc. 2188] or the
24

25 / / /

26 / / /

27 / / /

1 Clerk's Judgment [Doc. 2189] (including without limitation to seek to vacate,
2 alter, or amend the Order and/or Clerk's Judgment) and Movants reserve their
3 rights to oppose such motion(s).

4 Dated: August 12, 2011.

6 BICKEL & BREWER

THE MAJORIE FIRM, LP

7
8 By /s/ Robert M. Millimet
Robert M. Millimet, Pro Hac Vice

By /s/ Francis B. Majorie
Francis B. Majorie, Pro Hac Vice

10 ARMSTRONG TEASDALE

LAW OFFICE OF MELANIE HILL

11
12 By /s/ Janet Chubb
Janet Chubb

By /s/ Melanie A. Hill
Melanie A. Hill

14 LAW OFFICE OF LISA RASMUSSEN

15
16 By /s/ Lisa Rasmussen
Lisa Rasmussen

17
18 **ORDER**

19
20 IT IS HEREBY ORDERED that the Order Regarding Settlement [Doc.
21 2188] and the Clerk's Judgment [Doc. 2189] shall be amended consistent with the
22 above Stipulation as follows:

23 1. Notwithstanding anything to the contrary in the Order Regarding
24 Settlement [Doc. 2188] or the Clerk's Judgment [Doc. 2189], the duty of
25 disclosure imposed on the Respondents under paragraph 7 of the Order will not
26 be triggered until Movants provide Respondents a list of documents to be
27 produced pursuant to paragraph 7 of the Order. Respondents will then have ten
28

1 (10) business days from the receipt of any such list of documents to comply with
2 the obligations otherwise stated in that paragraph 7, including the procedure for
3 the Court to review disputed documents. Pursuant to this agreement, Movants
4 will not enforce the requirement in the Order for Silar to produce documents
5 within five (5) days of the entry of the Order so long as Silar complies with this
6 agreement.
7

8 2. Respondents reserve the right to move for reconsideration and/or
9 other relief with respect to the Order Regarding Settlement [Doc. 2188] or the
10 Clerk's Judgment [Doc. 2189] (including without limitation to seek to vacate,
11 alter, or amend the Order and/or Clerk's Judgment) and Movants reserve their
12 rights to oppose such motion(s).
13

14 IT IS FURTHER ORDERED THAT the hearing on Silar's Motion to Modify
15 Order [2188] and Modify Clerk's Judgment on Attorneys' Fees [2189] [Doc.
16 2199] and Emergency Motion to Stay Enforcement of Order Regarding Settlement
17 and Clerk's Judgment on Attorneys' Fees [Doc. 2200] set for August 12, 2011 at
18 2:00pm in Reno courtroom 6 is hereby VACATED.

19 DATED this ____ day of August, 2011.
20
21

22 _____
23 ROBERT C. JONES
24 CHIEF UNITED STATES DISTRICT JUDGE
25
26
27
28